

### **REMARKS/ARGUMENTS**

Applicants have reviewed and analyzed the Office Action dated February 7, 2008, and provide the following remarks and comments in response thereto. Claims 1, 4, 5, 8, 10, 12, 15, 19, 21, 23, 29, 31 and 33 have been amended. No new matter has been added. Claims 1-5, 7-16, 18-31, 33 and 34 remain pending upon entry of the present amendment.

#### ***Claim Rejections Under 35 U.S.C. §102***

Claims 1-5, 8, 9, 11-16, 20 and 22-27 stand rejected under 35 U.S.C. §102(e) as being anticipated by Martino *et al.* (U.S. Patent No. 6,662,177, “Martino”). This rejection is respectfully traversed.

Amended independent claim 1 relates to, *inter alia*, memory configured to store a first object and a second object, the second object configured to define an interactive component for display in an interactive electronic programming guide (EPG), wherein the interactive component includes localized content; and a processor configured to generate the interactive EPG by combining the first and second objects, wherein a layout of the interactive EPG including a display position of the interactive component in the interactive EPG is defined by the first object. Martino fails to teach or suggest such features. Martino describes the use of different worlds for different functions such as a search world, a profiling world and an overview world. Col. 2, ll. 21-22. Nonetheless, Martino does not teach or suggest a second object defining an interactive component having localized content and generating an EPG by combining the second object with a first object defining a layout of the EPG including a position of the interactive component. The Office Action asserts, at p. 4, that the claimed second object is interpreted as being the software module to display the search world or the profile world and that the first object corresponds to beads. Even assuming, without conceding, that such a comparison is valid, neither the search world nor the profile world constitutes an electronic programming guide. Moreover, Martino’s bead (i.e., the alleged first object) does not define the layout of an EPG, much less the position of the interactive component defined by the second object. Accordingly, claim 1 is allowable for at least these reasons.

Amended independent claims 12 and 23 recite features similar to those discussed above with respect to claim 1 and are thus allowable for at least the same reasons as claim 1.

Claims 2-5, 8, 9, 11, 13-16, 22 and 24-27 are dependent on claims 1, 12 and 23, respectively, and are thus allowable for at least the same reasons as their base independent claim and further in view of the novel and non-obvious features recited therein.

For example, claim 8 recites, *inter alia*, “first object is selected from a plurality of world objects based on a selected type of programming, wherein each of the plurality of world objects defines a different EPG layout.” Martino does not teach or suggest such a feature. Again, Martino is limited to three worlds: a profiling world, a search world and an overview world. As discussed above, neither the profiling world nor the search world constitute EPGs and thus, do not each define a different EPG layout (in fact, they do not define EPG layouts at all). Further, even assuming that the profiling world, the search world and the overview world define different EPG layout, a world is not selected based on a selected type of programming. Martino describes triggering actions based on a context in which a button is pressed. Col. 7, ll. 58-60. However, nowhere does Martino teach or suggest that the context corresponds to a selected type of programming or that the triggered action is a first object selected from a plurality of world objects. Accordingly, claim 8 is allowable for this additional reason.

### ***Claim Rejections Under 35 U.S.C. §103***

Claims 7, 10, 18, 19, 21, 22 and 28-34 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Martino in view of Finseth *et al.* (U.S. Patent No. 6, 754,906, hereinafter “Finseth”). This rejection is respectfully traversed for at least the following reasons.

Claims 7, 10, 18, 19, 21, 22, 28-31, 33 and 34 depend on claims 1, 12 and 23, respectively, and thus incorporate all of the features of their respective base independent claims. As discussed above, Martino fails to teach or suggest each and every feature of claims 1, 12 and 23. Finseth does not cure the above-identified deficiencies of Martino. Accordingly, notwithstanding the validity of the asserted combination of Martino and Finseth, the asserted combination would not have resulted in the features of claims 1, 12 and 23, upon which claims 7, 10, 18, 19, 21, 22, 28-31, 33 and 34 depend. Accordingly, claims 7, 10, 18, 19, 21, 22, 28-31, 33 and 34 are allowable for at least these reasons.

Additionally, Applicants note that the fact that a certain result or characteristics may occur or be present in the prior art is **NOT** sufficient to establish the inherency of that result or characteristics. MPEP § 2112(IV) (citing *In re Rijckaert*, 28 U.S.P.Q.2d 1955, 1957 (Fed. Cir.

1993) (emphasis added). Indeed, to establish inherency, “the extrinsic evidence ‘must make clear that the missing descriptive matter is **necessarily** present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill.” *In re Robertson*, 49 U.S.P.Q.2d 1949, 1950-51 (Fed. Cir. 1999) (Emphasis added). The Office Action uses inherency in the rejections of claims 1, 10, 21 and 33, without providing any explanation or support as to why the features recited in those claims would be necessary in either Martino or Finseth.

### **CONCLUSION**

All rejections having been addressed, Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the Examiner is requested to contact the undersigned at (202) 824-3156.

Respectfully submitted,

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